

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD FARMER, :
: Plaintiff, : 17-CV-9300 (GBD) (OTW)
: :
: -against- : **ORDER**
: :
FZOAD.COM ENTERPRISES INC., et al., :
: Defendants. :
: :
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ONA T. WANG, United States Magistrate Judge:

On January 29, 2019, *pro se* Plaintiff Richard Farmer filed a “Request for Protective Order Against Defendants [*sic*] Counsel Joshua Weiner Esq. for Racism.” (ECF 74). Plaintiff requests that the Court enter a protective order against Mr. Weiner, alleging that the nature of their email communications has been “extremely hostile in nature,” among other things. (ECF 74 at 1). Plaintiff’s request attached no facts from which the Court could assess Plaintiff’s allegations. On February 4, 2019, Joshua Weiner, counsel for Defendants Fzoad.com Enterprises, Inc. and David Forrest Gross, filed a Declaration in response to Plaintiff’s request. (ECF 76). Defendants’ submission attached the email communications between Mr. Weiner and Plaintiff.

As a preliminary matter, Plaintiff’s failure to include the allegedly “upsetting” emails in his submission is reason to deny the request. I have reviewed the emails provided by Mr. Weiner and find Plaintiff’s allegations and insinuations about Mr. Weiner’s behavior to be

without merit. There is nothing in the email communications to suggest that Mr. Weiner has acted with a “racist demeanor.”¹ (ECF 74 at 1).

Moreover, upon a review of the emails, Plaintiff appears to be the instigator of a tirade of abuse towards Mr. Weiner and other counsel in this matter. (*See, e.g.*, ECF 76 Ex. A at 4 (“Furthermore, you are a liar”); *id.* at 11 (“As far as I’m concerned your [sic] a slime ball”); *id.* at 9 (“Subject: Butt Brain its [sic] 300 days in NEW YORK STATE”); *id.* Ex B at 2 (accusing counsel of misrepresentation and fraud)). The parties and their counsel are reminded to treat each other with courtesy and civility.

Accordingly, it is **HEREBY ORDERED** that:

1. Plaintiff’s request is **DENIED** and the Clerk of Court is directed to **STRIKE** ECF 74 from the docket; and
2. Plaintiff is **DIRECTED** to cease use of any and all abusive language in his communications with Defendants’ counsel. If Plaintiff fails to abide by this direction, the Court may entertain a motion for sanctions against Plaintiff.
3. The Clerk of Court is respectfully directed to mail a copy of this Order to the Plaintiff.

SO ORDERED.

Dated: February 6, 2019
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge

¹ Plaintiff does not describe or identify Mr. Weiner’s “racist demeanor”; at best, the parties seem to be arguing about a statement in Mr. Weiner’s memorandum of law that indicated that his clients “had been informed (correctly or incorrectly) that Plaintiff (who has a habit of suing prior employers) was currently incarcerated.” (ECF 50 at 3).